ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of	)	MM Docket No. 93-107
	)	
DAVID A. RINGER	)	File No. BPH-911230MA
	)	
ASF BROADCASTING CORPORATION	)	File No. BPH-911230MB
	)	
WILBURN INDUSTRIES, INC.	)	File No. BPH-911230MC
	)	
SHELLEE F. DAVIS	)	File No. BPH-911231MA
	)	
OHIO RADIO ASSOCIATES, INC.	)	File No. BPH-911231MC
	)	

For Construction Permit
For New FM Radio Station at
Westerville, Ohio

To: The Review Board

PETITION FOR LEAVE TO AMEND

Wilburn Industries, Inc. ("Wilburn"), by its attorneys, hereby respectfully submits its Petition for Leave to Amend its application by the inclusion of the attached amendment. In support thereof, the following is stated:

As the Board previously has been advised by Petition for Leave to Amend filed by Wilburn on April 13, 1994, the reasonable assurance which Wilburn had received with regard to the availability of its proposed transmitter site was unexpectedly withdrawn on April 8, 1994. Moreover, because Wilburn previously had proposed to lease the technical facilities already constructed at that site, the loss of its site meant that Wilburn

not only had to locate a new site, it had to have an entirely new engineering proposal prepared, had to ascertain the estimated costs of the transmission facilities and studio equipment it now would have to purchase, and had to obtain reasonable assurance of financing in light of those new, additional expenses. Those measures have all now been completed and are reflected in the attached amendment.

There is good cause for the submission and acceptance of Wilburn's amendment at this time, pursuant to Section 73.3522(b)(1) of the Commission's Rules and Erwin O'Connor, 22 FCC 2d 140, 18 RR 2d 820 (Rev. Bd. 1970). The applicant acted with due diligence to locate and secure reasonable assurance of the availability of a new site, to retain an engineer to prepare the technical materials necessary for an entirely new engineering proposal, to ascertain the expenses necessary to build a station rather than to lease existing facilities, and to obtain assurance that it could meet the greater costs of doing so.[1] The time taken to accomplish all of these tasks was not excessive, particularly because they had to be undertaken essentially seriatim and, in the case of ascertaining equipment costs and obtaining bank financing, the applicant had to start from scratch.

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[1] As reflected in the amendment, this entailed the obtaining of a bank loan, in addition to reliance upon the principals' assets. Under Wilburn's initial proposal, no bank loan had been contemplated.

Further, the amendment was not required by any voluntary act on the part of Wilburn, no modification or addition of issues would be necessitated by the amendment, and acceptance of the amendment will not disrupt the orderly conduct of the proceeding or necessitate additional hearings. Moreover, no other party to the proceeding would be unfairly prejudiced and, given the current status of the comparative criteria, it cannot be said that Wilburn would gain a competitive advantage.[2]

Finally, the amendment satisfies the additional "good cause" test imposed on amendments of engineering proposals, because the need to amend was not reasonably foreseeable when Wilburn filed its application and acceptance of the amendment would not require the addition of issues or parties in the instant proceeding.

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[2] The Board in the past has conditioned acceptance of amendments upon there being no legally cognizable improvement in an applicant's comparative status. Such procedure may be appropriate in this instance, as well, but it should be noted that it is possible that such condition would be negated in the event parties later are permitted to amend their applications once the Commission announces its new comparative criteria.

In view of the foregoing, it is respectfully submitted that this Petition for Leave to Amend should be granted and that the attached amendment should be accepted.

Respectfully submitted,

WILBURN INDUSTRIES, INC.

By: 

Eric S. Kravetz
Brown, Nietert & Kaufman
1920 N Street, N.W.
Suite 660
Washington, D.C. 20036
(202) 887-0600

Its Counsel

Dated: January 4, 1994

Re: Wilburn Industries, Inc.

Please amend the application of Wilburn Industries, Inc. to include the attached materials which specify a new transmitter site, certify the availability of that site and show that Wilburn Industries, Inc. continues to be financially qualified.

Date: July 11, 1994 By: _____
President

F:\ESK\LTR\0622LTR.CWW

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. [X] Yes [ ] No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. $ 410,670.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Charles W. Wilburn 3324 Westbury Drive Columbus, Ohio 43221	(614) 451-4356	Sole voting Shareholder Officer Director	$210,670.00
The Savings Bank 118 North Court Street Circleville, Ohio 43113	(614) 474-3191	None	$200,000.00
			$410.670.00

SECTION VI – EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No

   If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 396-A).

SECTION VII – CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580? ☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? ☒ Yes ☐ No

   If No, attach as an Exhibit, a full explantion. Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

   Name of Person Contacted: Dolores Buell

   Telephone No. *(include area code)*: (614) 965-3826

   Person contacted: *(check one box below)*

   ☒ Owner ☐ Owner's Agent ☐ Other *(specify)*

4. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. *(See Section 304 of the Communications Act of 1934, as amended.)*

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____

Name of Applicant

Wilburn Industries, Inc.

Call letters *(if issued)*	Is this application being filed in response to a window? ☐ Yes ☒ No If Yes, specify closing date: _____

Purpose of Application: *(check appropriate box(es))*

- ☒ Construct a new (main) facility
- ☐ Construct a new auxiliary facility
- ☐ Modify existing construction permit for main facility
- ☐ Modify existing construction permit for auxiliary facility
- ☐ Modify licensed main facility
- ☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- ☐ Antenna supporting-structure height
- ☐ Effective radiated power
- ☐ Antenna height above average terrain
- ☐ Frequency
- ☐ Antenna location
- ☐ Class
- ☐ Main Studio location
- ☐ Other *(Summarize briefly)*

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
280A	Westerville	Franklin	Ohio

Class *(check only one box below)*

☒ A ☐ B1 ☐ B ☐ C3 ☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. Approximately 600 meters northeast of the intersection of State Route 37 and County Line Road in Licking County, Ohio.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	40°	11'	33"	Longitude	82°	45'	07"

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

_____

SECTION V-B – FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates? ☐ Yes ☒ No
If Yes, list old coordinates.

Latitude ° ' "	Longitude ° ' "

5. Has the FAA been notified of the proposed construction? ☒ Yes ☐ No
If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No. N/A

Date June 14, 1994 Office where filed Great Lakes Regional

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	August Acres (pvt)	4.2	217°
(b)			

7. (a) Elevation: *(to the nearest meter)*

(1) of site above mean sea level: 338 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 98 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 436 meters

(b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical

(1) above ground 92 meters (H)

92 meters (V)

(2) above mean sea level [(aX1) + (bX1)] 430 meters (H)

430 meters (V)

(3) above average terrain 100 meters (H)

100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No. E1

9. Effective Radiated Power:

(a) ERP in the horizontal plane 6.0 kw (H*) 6.0 kw (V*)

(b) Is beam tilt proposed? ☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No. N/A

_____ kw (H*) _____ kw (V*)

*Polarization

10. Is a directional antenna proposed? ☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field. Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)? ☒ Yes ☐ No

See Exhibit E2

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service. Exhibit No.

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal? ☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207? ☒ Yes ☐ No

See Exhibit E3

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply? ☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers. Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose. Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following: Exhibit No.

(1) Protected and interfering contours, in all directions (360), for the proposed operation.
(2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
(5) The official title(s) of the map(s) used in the exhibits(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? ☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)* Exhibit No. E4

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No. E5

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. E6

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 2494 sq. km. Population 590,000

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: USGS (Communications Data Services, Inc.)

☐ Other *(briefly summarize)*

SECTION V-B – FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
244 *	135.3	19.1	32.3
0	77.8	14.4	25.3
45	76.5	14.3	25.1
90	80.1	14.6	25.6
135	101.6	16.5	28.5
180	90.5	15.6	27.1
225	120.9	18.0	30.8
270	135.4	19.1	32.6
315	117.1	17.7	30.4

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement *(See 47 C.F.R. Section 1.1301 et seq.)*

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No See Exhibit E7

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311. Exhibit No.

If No, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name *(Typed or Printed)*	Relationship to Applicant *(e.g., Consulting Engineer)*
John M. McKinley	Technical Consultant
Signature: John M. McKinley	Address *(Include ZIP Code)* 510 Whitley Drive Gahanna, Ohio 43230
Date: June 15, 1994	Telephone No. *(Include Area Code)* (614) 475-1747

EXHIBIT E1 - ANTENNA SKETCH

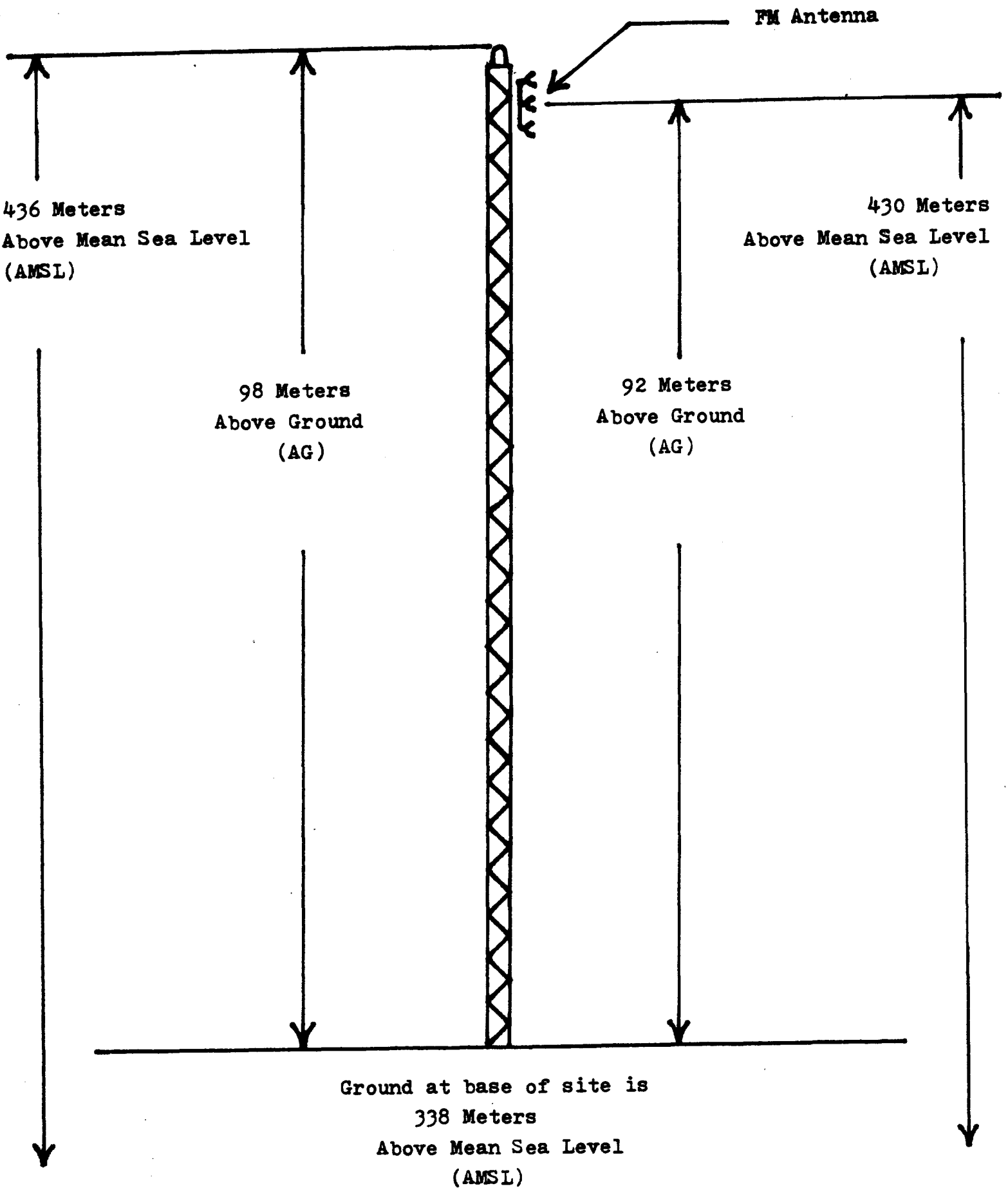


EXHIBIT E2 - CITY GRADE COVERAGE OVER THE CITY OF LICENSE

The community of Westerville lies in the direction of the radial marked with an asterick (*) (244 degrees) on the map of Westerville included as part of this exhibit. The 3.16 mv./m. (70 dbu) contour extends out from the transmitter site a distance of 19.1 kilometers along this radial as depicted on the map. The 3.16 mv./m. contour would need to extend another 0.8 km. to completely encompass the westernmost part of Westerville.

The policy of the Federal Communications Commission has been that if at least 80% of the city of license receives at least a 3.16 mv./m. signal level, then the facility satisfies the requirements of 47 C.F.R. Section 73.315(a). In this case, the 3.16 mv./m (city grade) contour covers more than 90% of Westerville, thereby satisfying the requirements of Section 73.315(a).

This transmitting site also satisfies the requirements of 47 C.F.R. Section 73.315(b) in that it is located in a sparsely populated area and is situated on relatively high ground for this area.

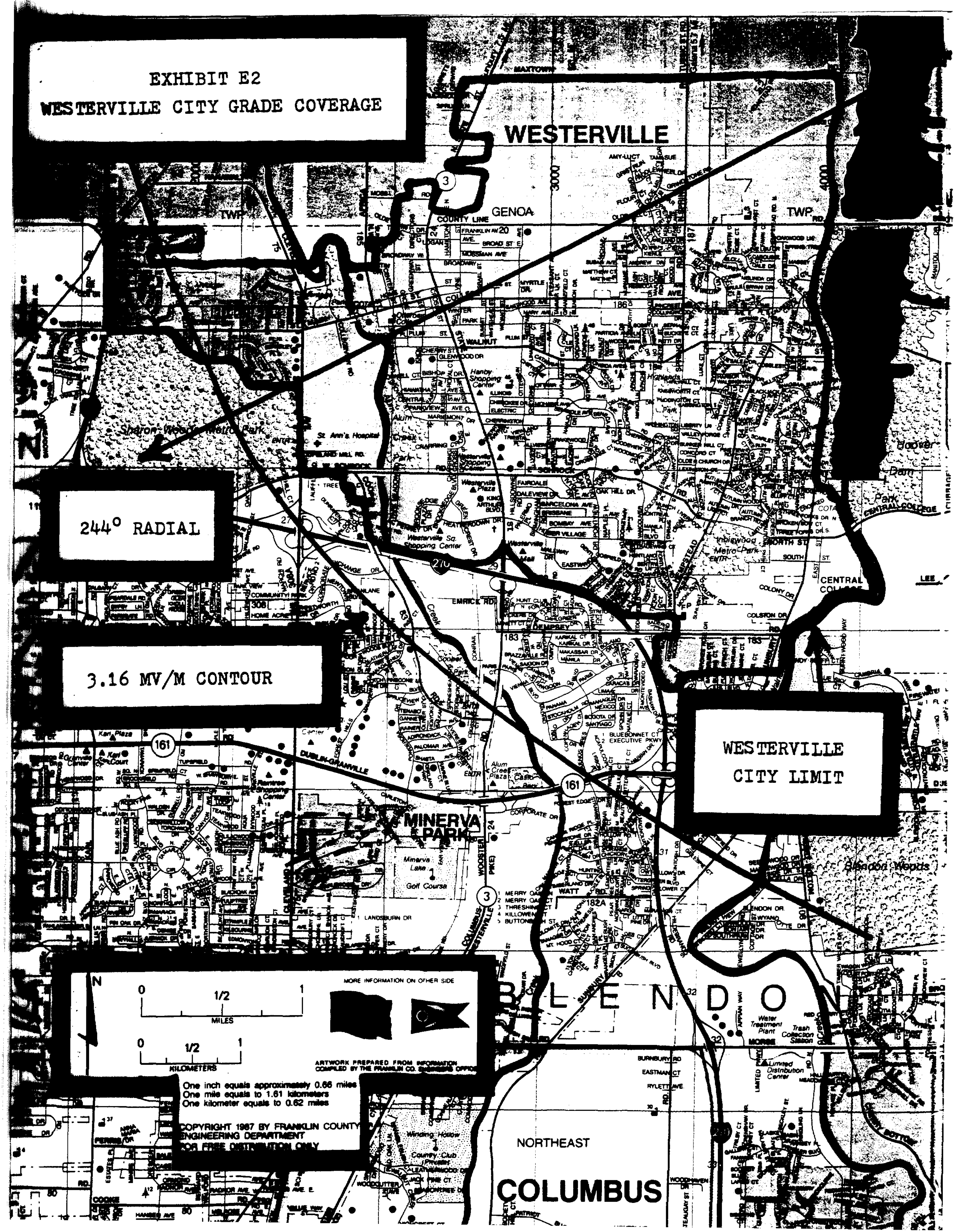


EXHIBIT E2
WESTERVILLE CITY GRADE COVERAGE
244° RADIAL
3.16 MV/M CONTOUR
WESTERVILLE
CITY LIMIT
WESTERVILLE
GENOA
TWP
MINERVA PARK
BLENDON
NORTHEAST
COLUMBUS
MORE INFORMATION ON OTHER SIDE
MILES
KILOMETERS
ARTWORK PREPARED FROM INFORMATION COMPILED BY THE FRANKLIN CO. ENGINEERING OFFICE
One inch equals approximately 0.66 miles
One mile equals to 1.61 kilometers
One kilometer equals to 0.62 miles
COPYRIGHT 1987 BY FRANKLIN COUNTY ENGINEERING DEPARTMENT
FOR FREE DISTRIBUTION ONLY

EXHIBIT E3

Constraints Study FM Channel 280A

Title: Wilburn Industries, Inc.
Reference City: Westerville, Ohio
Translators Are Included
Audit File: fms06074.A01

Latitude: 40-11-33
Longitude: 82-45-07
FCC Database: 940330

Call	Auth	Licensee Name	Chan	ERP-kW	Latitude	Az-to	Dist	Req
City of License	St	FCC File No.	Freq	EAH-m	Longitude	-from	(km)	(km)
WKKJ	ADD	Pearl Broadcasting, I	227B		39-53-32	216.9	41.71	15
Reynoldsburg	OH	RM-7516	93.3		83-02-44	36.7	26.71	CLEAR
Counterproposal-Site Restricted 21.8 Km West Docket: 90-318								
WKKJ	APP	Pearl Broadcasting, I	227B	50.*	39-35-30	204.7	73.42	15
Chillicothe	OH	BPH-900226IB	93.3	150	83-06-38	24.5	58.42	CLEAR
	USED		278A		39-45-48	163.3	49.75	31
Lancaster	OH		103.5		82-35-05	343.4	18.75	CLEAR
Docket: 86-338								
WSWZ	LIC	Skyway Broadcasting C	278A	5.4	39-43-58	165.3	52.77	31
Lancaster	OH	BLH-901015KD	103.5	100	82-35-43	345.4	21.77	CLEAR
Proposed to Canada as B1 on 900720-Accepted by Canada on 900905								
WTTFFM	LIC	WTTF, Inc.	279B	50.	41-08-20	338.6	113.09	113
Tiffin	OH	BLH-850715KW	103.7	131	83-14-45	158.2	0.09	CLOSE
	USED		279B		41-08-20	338.6	113.09	113
Tiffin	OH		103.7		83-14-45	158.2	0.09	CLOSE
Coordinates updated from LIC record BLH850715KW								
NEW	APPDID	Ohio Radio Associates	280A	6.0	40-11-33	0.0	0.00	115
Westerville	OH	BPH-911231MC	103.9	100	82-45-07	0.0	-115.0	SHORT
Untimely Filed-Amended 920309-Initial Decision 931118 Docket: 93-107								
Proposed to Canada as B1 on 900416-Accepted by Canada 910305								
NEW	APPDID	David A. Ringer	280A	4.3*	40-14-04	302.3	8.74	115
Westerville	OH	BPH-911230MA	103.9	118	82-50-20	122.3	-106.3	SHORT
Initial Decision 931118 Docket: 93-107								
Proposed to Canada as B1 on 900416-Accepted by Canada 910305								
NEW	APPDID	ASF Broadcasting Corp	280A	5.*	40-14-04	302.3	8.74	115
Westerville	OH	BPH-911230MB	103.9	109	82-50-20	122.3	-106.3	SHORT
Amended 920305-Initial Decision 931118 Docket: 93-107								
Proposed to Canada as B1 on 900416-Accepted by Canada 910305								

Constraints Study FM Channel 280A

Title:Wilburn Industries, Inc.
Reference City: Westerville, Ohio
Translators Are Included
Audit File: fms06074.A01

Latitude: 40-11-33
Longitude: 82-45-07
FCC Database: 940330

Call / City of License	Auth / St	Licensee Name / FCC File No.	Chan / Freq	ERP-kW / EAH-m	Latitude / Longitude	Az-to / -from	Dist (km)	Req (km)
VACANT			280A		40-14-04	302.3	8.74	115
Westerville	OH		103.9		82-50-20	122.3	-106.3	SHORT
Proposed to Canada as B1 on 900416								
Accepted by Canada as B1 on 910305								
NEW	APPDID	Wilburn Industries, I	280A	2.50	40-14-04	302.3	8.74	115
Westerville	OH	BPH-911230MC	103.9	109	82-50-20	122.3	-106.3	SHORT
Amended 920127 & 920130 & 920228-Initial Decision 931118 Docket: 93-107								
Proposed to Canada as B1 on 900416-Accepted by Canada 910305								
NEW	APP	Shellee F. Davis	280A	6.*	40-14-04	302.3	8.74	115
Westerville	OH	BPH-911231MA	103.9	100	82-50-20	122.3	-106.3	SHORT
Application was filed after the window close date of the allotment-Initial Decision 931118 Docket: 93-107								
Proposed to Canada as B1 on 900416-Accepted by Canada 910305								
WYMJFM	LIC	Dayton Radio, Inc.	280A	1.15	39-44-12	247.5	130.28	115
Beavercreek	OH	BLH-841029CB	103.9	159	84-09-25	66.6	15.28	CLEAR
USED			280A		39-44-12	247.5	130.28	115
Beavercreek	OH		103.9		84-09-25	66.6	15.28	CLEAR
Coordinates updated from LIC record			BLH841029CB					
USED			280A		39-40-40	109.1	170.04	115
New Martinsville	WV		103.9		80-52-42	290.3	55.04	CLEAR
Coordinates updated from LIC record			BLH7626					
Class B1 with respect to Canada-Accepted by canada on 901108								
WNMR	LIC	HBN Communications, I	280A	3.00	39-40-40	109.1	170.04	115
New Martinsville	WV	BLH-7626	103.9	91	80-52-42	290.3	55.04	CLEAR
Class B1 with respect to Canada-Accepted by canada on 901108								
WQAL	LIC	Win Communications, I	281B	11.	41-22-45	33.0	157.96	113
Cleveland	OH	BLH-930222KD	104.1	323	81-43-12	213.7	44.96	CLEAR
Proposed to canada as B1 on 910425-Accepted By canada 910603-Proposed to Canada as C1 on 920519-Specially negotiated, short-spaced allotment channel 281A* in Stratford, ON-Accepted by Canada 920519								

Constraints Study FM Channel 280A

Title:Wilburn Industries, Inc.
Reference City: Westerville, Ohio
Translators Are Included
Audit File: fms06074.A01

Latitude: 40-11-33
Longitude: 82-45-07
FCC Database: 940330

Call / City of License	Auth	Licensee Name / St FCC File No.	Chan / Freq	ERP-kW / EAH-m	Latitude / Longitude	Az-to -from	Dist (km)	Req (km)
	USED		281B		41-22-45	33.0	157.96	113
Cleveland		OH	104.1		81-43-12	213.7	44.96	CLEAR
	USED		281C		38-43-20	187.5	164.64	165
Portsmouth		OH	104.1		83-00-05	7.4	-0.36	SHORT
Coordinates updated from LIC record			BLH890612KC					
WPAYFM	LIC	Radio Stations WPAY/W	281C	100.	38-43-20	187.5	164.64	165
Portsmouth		OH BLH-890612KC	104.1	305	83-00-05	7.4	-0.36	SHORT
NEW	CP	Janice M. Scantland	282A	2.5	40-21-52	294.1	47.20	31
Richwood		OH BPH-920113MC	104.3	100	83-15-34	113.8	16.20	CLEAR
Accepted by Canada on 931221 Docket: 93-127								
	USED		282A		40-25-36	299.4	53.35	31
Richwood		OH	104.3		83-18-00	119.1	22.35	CLEAR
Docket: 90-121								
WQKT	LIC	WWST Corporation	283B	52.	40-47-31	46.8	97.93	69
Wooster		OH BLH-790215AH	104.5	101	81-54-17	227.3	28.93	CLEAR
GRANDFATHERED AT 52KW @ 101M HAAT.								
	USED		283B		40-47-31	46.8	97.93	69
Wooster		OH	104.5		81-54-17	227.3	28.93	CLEAR
Coordinates updated from LIC record			BLH790215AH					

End of Constraints Study FM Channel 280A

EXHIBIT E4 - INTERFERENCE

Question 14(a) - There are not now nor will there be any proposed or authorized FM or TV transmitters or any nonbroadcast radio stations within 60 meters of the proposed antenna.

Question 14(b) - The blanketing contour of the proposed operation is described according to 47 C.F.R. Section 73.318 as the 115 dbu contour which is calculated with the formula:

$$\text{Distance (kilometers)} = 0.394 \sqrt{\text{Power (ERP)}}$$

For this operation:

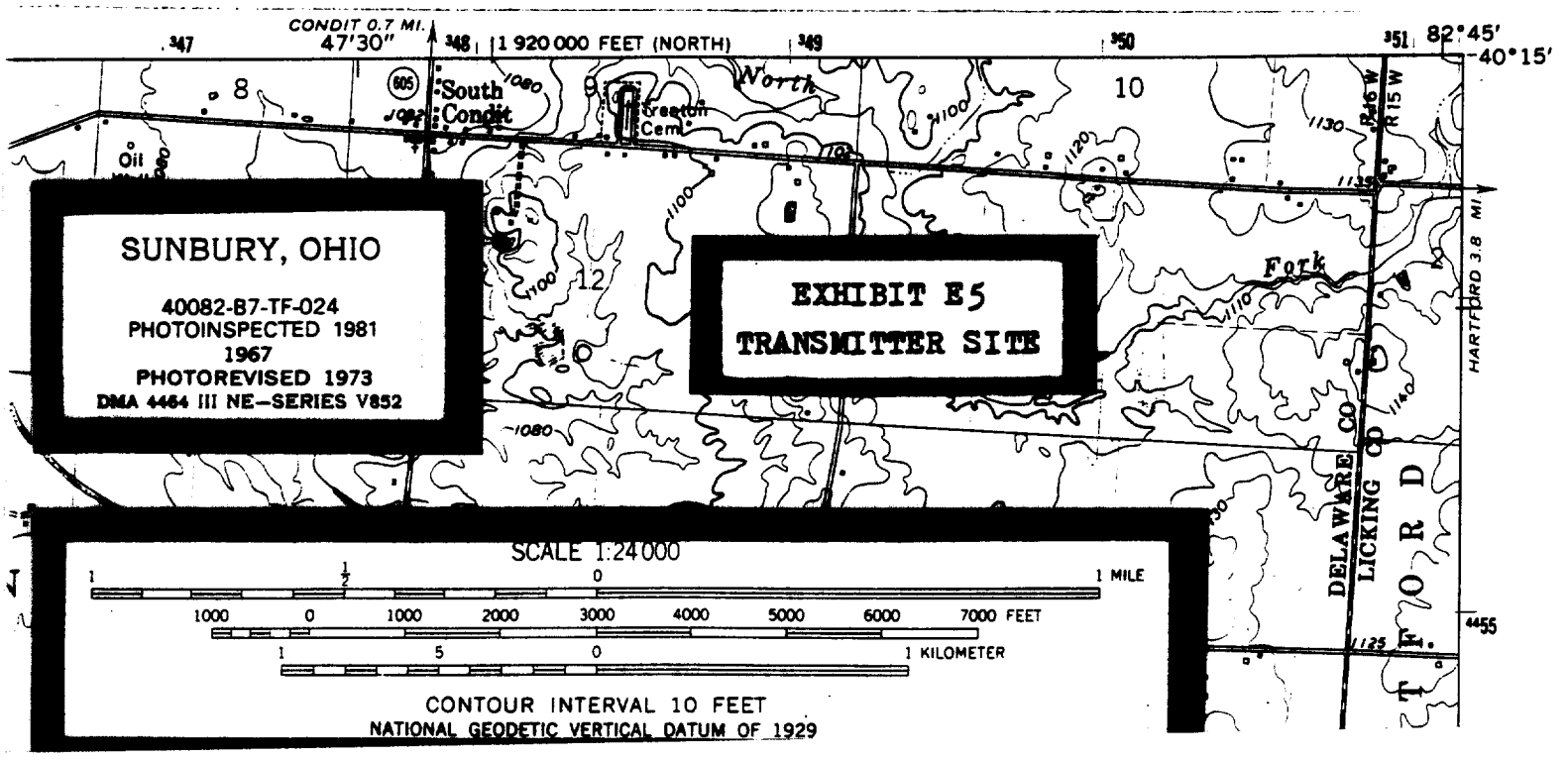
$$\text{Distance (kilometers)} = 0.394 \sqrt{6.00 \text{ kilowatts}}$$

$$\text{Distance} = 0.394 \times 2.45 = .97 \text{ kilometers}$$

There are only a handful of homes that would fall within this blanketing contour.

Question 14(c) - To the best of our knowledge, there is only one other FM facility within 10 kilometers of the proposed facility. This is the facility of WRZR-FM (103.1 Mhz.), a class A station located 8.9 kilometers in a direction of 63.0 degrees true. Because of the difference in frequencies of these two FM stations (0.8 Mhz.) and the difference in location (8.9 km.), there is no cause for concern for any type of receiver induced intermodulation interference.

The applicant will accept full responsibility for the elimination of any objectionable interference to any facilities in existence or authorized or to radio receivers in use prior to the grant of this application in compliance with 47 C.F.R. Section 73.318 .


CONDIT 0.7 MI.
47'30"
1 920 000 FEET (NORTH)
82°45'
40°15'
South Condit
Creston Cem.
Worth
Fork
HARTFORD 3.8 MI.
DELAWARE CO
LICKING CO
SUNBURY, OHIO
40082-B7-TF-024
PHOTOINSPECTED 1981
1967
PHOTOREVISED 1973
DMA 4464 III NE—SERIES V852
EXHIBIT E5
TRANSMITTER SITE
SCALE 1:24000
1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 KILOMETER
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

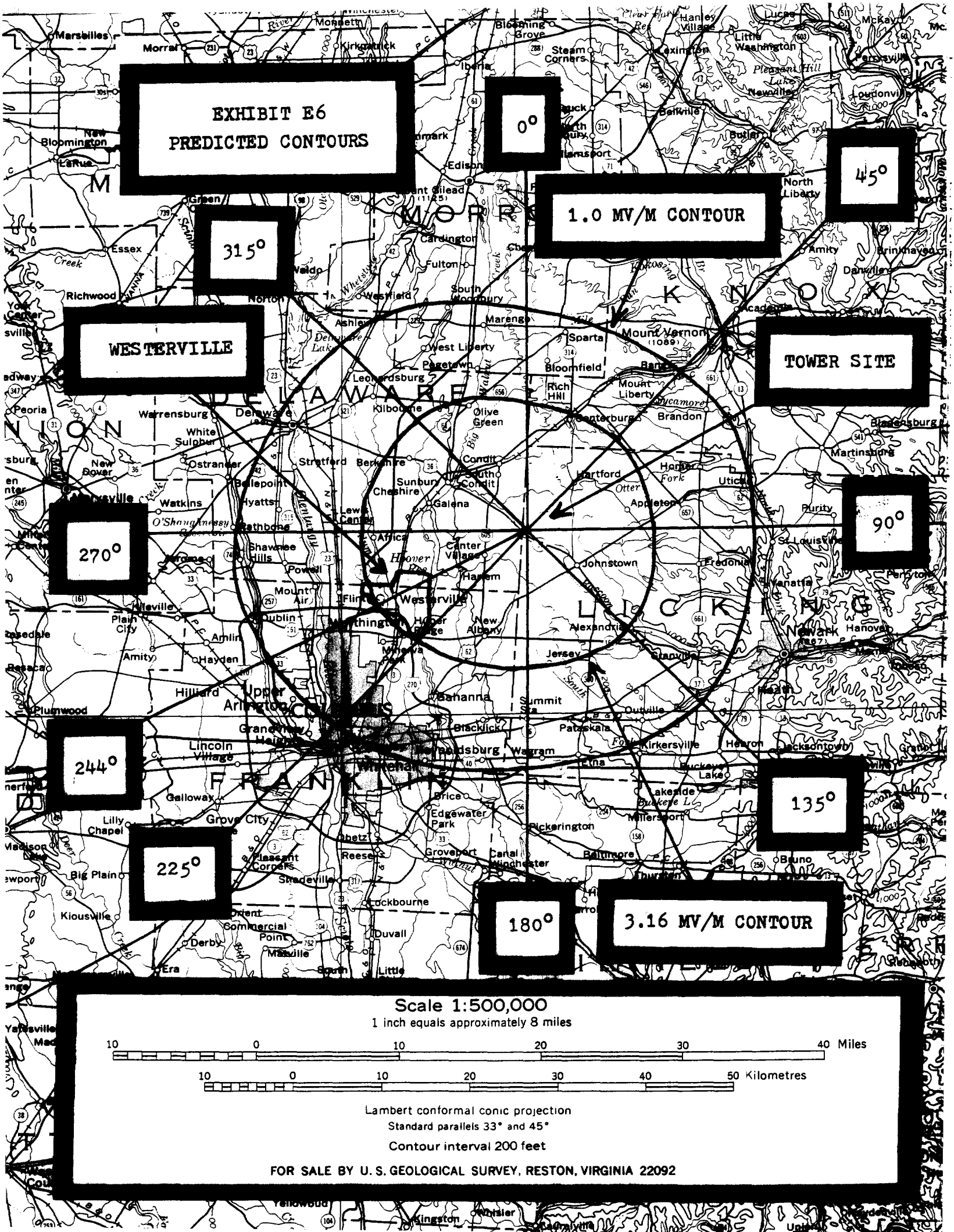


EXHIBIT E6
PREDICTED CONTOURS
0°
45°
1.0 MV/M CONTOUR
315°
WESTERVILLE
TOWER SITE
270°
90°
244°
135°
225°
180°
3.16 MV/M CONTOUR
Scale 1:500,000
1 inch equals approximately 8 miles
10 0 10 20 30 40 Miles
10 0 10 20 30 40 50 Kilometres
Lambert conformal conic projection
Standard parallels 33° and 45°
Contour interval 200 feet
FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092

Ohio Broadcast Consultants, Inc.

Gahanna, OH Jun 7, 1994

Question 19 - Terrain and Coverage Data

Title: Wilburn Industries, Inc.
Log File: ter06074.A02
Radiation Center AMSL 429.8 meters 1410.0 feet
Radiation Center HAAT 100.0 meters 328.1 feet

Latitude: 40-11-33
Longitude: 82-45-07

	Bearing (Deg-true)	3.0-16.0 km 1.9- 9.9 mi. Average Elevation (meters)	(feet)	Radiation Center Above Radial Average (meter)	(feet)
*	0.0	351.9	1154.6	77.8	255.4
*	45.0	353.3	1159.1	76.5	250.9
*	90.0	349.7	1147.2	80.1	262.8
*	135.0	328.1	1076.5	101.6	333.5
*	180.0	339.2	1113.0	90.5	297.0
*	225.0	308.8	1013.2	120.9	396.8
	244.0	294.4	966.0	135.3	444.0
*	270.0	294.3	965.6	135.4	444.4
*	315.0	312.7	1025.9	117.1	384.0
Average (8 directions)		329.8	1081.9	100.0	328.1
*=Radial Included in Average					
Average 30 Second Terrain (8 directions)		330.2	1083.5	100.0	328.1
Additional 3 Second Averages:					
Average (8 directions)		329.8	1081.9		
Average (12 directions)		330.4	1084.1		
Average (18 directions)		330.7	1084.9		
Average (24 directions)		330.9	1085.8		
Average (36 directions)		331.0	1085.8		
Average (72 directions)		331.0	1085.9		

EXHIBIT E7 - ENVIRONMENTAL IMPACT

This application meets the requirements of 47 C.F.R. Section 1.1307 in that an environmental assessment (EA) does not need to be filed for the following reasons:

(1) This application does not involve a site that would be located in any of the areas designated in 47 C.F.R. Section 1.1307 (a)(1)-(7).

(2) This application does not involve a tower that would be equipped with high intensity white lights as defined in 47 C.F.R. Section 1.1307(a)(8).

(3) This application does not involve a transmitting facility that would expose workers or the general public to levels of radiofrequency radiation in excess of the "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 Khz. to 100 Ghz.", (ANSI C95.1-1982).

The applicant has reviewed the OST Bulletin No. 65 and has found that workers would be exposed to excessive levels of radiofrequency radiation if any worker would come within 20 meters of the center of radiation of the FM antenna. Since the FM antenna is to be mounted at a level of 92 meters above ground, workers would be exposed to excessive levels of RF energy if they were to climb above the 72 meter level with power applied to the antenna.

Therefore, a sign will be placed at the base of the tower which will read as follows:

"ANYONE WHO CLIMBS ABOVE THE 72 METER LEVEL ON THIS TOWER
WILL BE EXPOSED TO DANGEROUS LEVELS OF RADIOFREQUENCY ENERGY"

If the applicant needs to have work performed on the tower which involves a worker climbing above the 72 meter level, then all power being supplied to the antenna will be extinguished while this work is being done and workers are within 20 meters of the center of radiation of the FM antenna.

The transmitter building and tower will also be completely surrounded by a six foot high chain link fence with a barbed wire top and a locked gate.

DO NOT REMOVE CARBONS

Form Approved OMB No. 2120-0001

U.S. Department of Transportation
Federal Aviation Administration

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

Aeronautical Study Number

1. Nature of Proposal

A. Type	B. Class	C. Work Schedule Dates
☒ New Construction	☒ Permanent	Beginning _____
☐ Alteration	☐ Temporary (Duration _____ months)	End _____

2. Complete Description of Structure

A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure.

B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports.

C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.

See Attached Exhibit

(if more space is required, continue on a separate sheet.)

3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code)

(614) 474-2780
area code Telephone Number

Wilburn Industries, Inc.
210 South Court Street
P.O. Box 418
Circleville, Ohio 43113

B. Name, address and telephone number of proponent's representative if different than 3 above.

Ohio Broadcast Consultants, Inc.
510 Whitley Drive
Gahanna, Ohio 43230 (614) 475-1747

4. Location of Structure

A. Coordinates (To nearest second)	B. Nearest City or Town, and State	C. Name of nearest airport, heliport, flightpark, or seaplane base	5. Height and Elevation (Complete to the nearest foot)	
	Center Village, Oh	August Acres	A. Elevation of site above mean sea level	1110
40° 11' 33" Latitude	(1) Distance to 4B: 3.5 Miles	(1) Distance from structure to nearest point of nearest runway: 2.6 miles	B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated	323
82° 45' 07" Longitude	(2) Direction to 4B: 239°	(2) Direction from structure to airport: 217°	C. Overall height above mean sea level (A + B)	1433

D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (if more space is required, continue on a separate sheet of paper and attach to this notice.)

Tower site would be approximately 600 meters northeast of the intersection of State Route 37 and County Line Road in Licking County, Ohio (see attached topographical map)

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than $500 for the first offense and not more than $2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

Date	Typed Name/Title of Person Filing Notice	Signature
June 14, 1994	John M. McKinley	John M. McKinley

FAA Form 7460-1 (8-85)

DO NOT REMOVE CARBONS

COMPLETE DESCRIPTION OF TOWER

The proposed tower will be a Rohn Model 65-Series C tower or it's equivalent. This tower will be a total of 323 feet in height, including standard red lighting. It will be guyed in three directions, 120 degrees apart with a total of 6 anchor points, 2 in each direction. Each of the three faces of the tower will be approximately 26 inches across and the vertical legs will be tubular and 2 inches in diameter. All materials used in construction will have a standard 2 ounces of galvanization per square foot.

The center of radiation of the FM antenna would be at the 302 foot level of the tower and it will radiate a total of 6.0 kilowatts of RF energy in both the vertical plane and horizontal plane at a frequency of 103.9 Megahertz.